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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,731	07/31/2003	Takenori Yoshizawa	0717-0513P	9350

2292 7590 04/12/2007  
BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

EXAMINER
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WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/12/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/630,731

Applicant(s)

YOSHIZAWA, TAKENORI

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-10,12-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7,13 and 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8-10,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/30/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the non-final Office Action for the serial number 10/630,731, DISPLAY SUBSTRATE ACCOMMODATING TRAY AND APPARATUS AND METHOD FOR REMOVING THE DISPLAY SUBSTRATE, filed on 7/31/03.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 17, "adapted to move upwards when accommodating tray is being removed" is indefinite because the examiner does not know what element is being adapted to move upwards. The applicant needs to clarify on what is being adapted to move upwards.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-2, 9-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,260,706 to Koefeldt.

Koefeldt teaches a tray (figure 1) comprising a bottom section (12), a frame (14, 16, 18 and 20) and engaging section (30, 32, 39) extending from a side surface of the frame in a substantially horizontal fashion. The frame is provided along a periphery of the bottom section and projects to a level higher than a level of a top surface of the bottom section. The frame has a positioning portion (on the bottom surface of 14, 16, 18, 20, 46, 48, 50 and 52 and as shown in figures 2-3). The bottom section includes a plurality of openings (28).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koefeldt in view of Japan Patent Publication #11-059893 to Akihiro.

Koefeldt teaches a tray (figure 1) comprising a bottom section (12), a frame (14, 16, 18 and 20) and engaging section (30) extending from a side surface of the frame in a substantially horizontal fashion. The frame is provided along a periphery of the bottom section and projects to a level higher than a level of a top surface of the bottom section. The frame has a positioning

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portion (on the bottom surface of 14,16, 18, 20 46, 48, 50 and 52 and as shown in figures 2-3).

The bottom section includes a plurality of openings (28).

Koefeldt teaches the device above but fails to teach plurality of first supporting members and a second supporting member. Akihiro teaches a plurality of first supporting members (33) and a second supporting member (32). The plurality of first supporting members are inserted into the plurality of openings. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added first supporting members and second supporting member to Koefeldt's device as taught by Akihiro to provide convenience for removing an object from the bottom section of tray.

In regards to claim 8, Koefeldt in view of Akihiro teaches all elements above but fails to teach the elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for setting up elements together to provide convenience for removing object from the tray.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koefeldt in further view of Japan Patent # 236,953 to Nakajima et al.

Koefeldt teaches the bottom section and frame but fails to teach the bottom section and frame are formed from a synthetic resin foam material. Nakajima et al. teaches the synthetic foam material (10). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Koefeldt's bottom section and frame with synthetic resin

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foam material as taught by Nakajima et al. to provide designer's preference of material to use for bottom section and frame.

***Allowable Subject Matter***

Claims 6-7, 13 and 16-18 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach the second supporting member is adapted to move upwards or downwards.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments filed 1/30/07 have been fully considered but they are not persuasive.

The applicant argues that Koefeld's walls 14, 16, 18, and 20 fails to provide a function of "positioning portion provided along the entire periphery of the frame, for determining the positioning relationship between the display substrate accommodating tray and another display substrate accommodating tray which is to be stacked thereon." The examiner disagrees with the applicant because the walls 14, 16, 18, 20, 46, 48, 50 and 52 in Koefeld's invention provide the function such as determining the positioning relationship between the display substrate

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accommodating tray and another display substrate accommodating tray which is to be stacked thereon as shown in figure 11. Elements 46, 48, 50 and 52 are integrated to two of walls (14 and 16) provide stability support by inserting notches of another tray which would prevent the tray from the top from sliding off. The walls 14, 16, 18 and 20 are considered positioning portion by providing support for the other tray to mount thereon in vertical direction.

Regarding claim 14, the applicant argues that "Koefeldt does not disclose that elements 32 or 39 serve as a grip for a human to lift and carry the tray, much less 'to be engaged by a carrying portion,' as required in the claim." The examiner disagrees with the applicant because claim 14 did not specifically state that the engaging section comprises a grip for a human to lift and carry the tray. Claim 14, lines 5-6 stated "to be engaged by a carrying section for carrying the display substrate accommodating tray", elements 32 and 39 in Koefeldt's invention are designed as carrying section with their vertical walls. The vertical walls prevent an object from sliding off the tray when it is being carried also they can be used as support for human to grip thereon for moving the tray.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632

4/4/07



A. JOSEPH WUJCIAK III  
PRIMARY EXAMINER  
TECHNOLOGY CENTER